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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
Portland Division

LEGACY HEALTH; LEGACY GOOD
SAMARITAN HOSPITAL AND MEDICAL
CENTER; LEGACY MOUNT HOOD
MEDICAL CENTER; LEGACY MERIDIAN
PARK HOSPITAL dba LEGACY MERIDIAN
PARK MEDICAL CENTER; and LEGACY
EMANUEL HOSPITAL & HEALTH CENTER
dba LEGACY EMANUEL MEDICAL
CENTER,

Case No. 3:22-cv-00573-HZ

**DECLARATION OF RICHARD C.
HUNT IN SUPPORT OF PLAINTIFFS'
MEMORANDUM IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

Plaintiffs,

v.

STATE OF OREGON; OREGON BUREAU
OF LABOR AND INDUSTRIES; VAL
HOYLE, in her official capacity as
Commissioner of the Oregon Bureau of Labor
and Industries; and DUKE SHEPARD, in his
official capacity as Deputy Commissioner of the
Oregon Bureau of Labor and Industries,

Defendants.

I, Richard C. Hunt, declare as follows.

1. I am one of the attorneys for Plaintiffs in the above-captioned case.

2. The Notices of Hearing in the contested case proceedings Case Nos. 58-20, 59-20, 60-20, and 61-20 were not issued by the Administrative Law Judge until April 29, 2022, eleven days after Plaintiffs commenced their lawsuit on April 18, 2022.

3. The Notice of Hearing in Case No. 58-20 recited: “Pursuant to a request for hearing received on April 27, 2022 this contested case has been set for hearing on: Date: TUESDAY, September 13, 2022.” A copy of the Notice of Hearing in Case No. 58-20 (without the Notice of Intent (NOI) that was attached to the Notice of Hearing) is attached hereto as Exhibit 1.

4. The other three Notices of Hearing in Case Nos. 59-20, 60-20, and 61-20 recite that the Notices scheduling hearings on September 20, 2022, September 27, 2022, and October 4, 2022, are being issued pursuant to “a request for hearing received on April 28, 2022.” A copy of the Notices of Hearing in Case Nos. 59-20, 60-20, and 61-20 (without the Notices of Intent (NOIs) that were attached to the Notices of Hearing) are attached hereto as Exhibits 2, 3, and 4.

5. At no time were Plaintiffs served with or provided copies of the “request for hearing received on April 27, 2022” or the request for hearing received on April 28, 2022.

6. In a press release dated September 13, 2018, BOLI stated: “\$5,156,000 represents the largest potential assessment of civil penalties [against an Oregon employer] in the agency’s history.” A copy of the press release is attached hereto as Exhibit 5.

I declare under penalty of perjury under the laws of the state of Oregon that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 26th day of August, 2022.

s/Richard C. Hunt

Richard C. Hunt

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of August 2022, I served the foregoing
DECLARATION OF RICHARD C. HUNT IN SUPPORT OF PLAINTIFFS'
MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS on the
following parties:

Brian Simmonds Marshall, Senior Assistant Attorney General
Alex C. Jones, Assistant Attorney General
Department of Justice
100 SW Market Street
Portland, OR 97201
Brian.S.Marshall@doj.state.or.us
Alex.Jones@doj.state.or.us
(Attorneys for Defendants)

by the following indicated method(s) set forth below:

- ☒ **Electronic Filing using the Court's ECF System**
- ☐ **Email**
- ☐ **Facsimile**
- ☐ **First-class mail, postage prepaid**
- ☐ **Hand-delivery**
- ☐ **Overnight courier, delivery prepaid**

s/Richard C. Hunt

Richard C. Hunt

CERTIFICATE OF SERVICE